

Appl. No. 10/754,021  
Amtd. Dated 8-Apr-05  
Reply to Office Action of 12/26/2004  
Attorney Docket No. : 6056-001  
Customer No. 29,335

circumferentially about a portion of the handle member intermediate the at least two generally U-shaped recesses.

#### **Remarks/Arguments**

In the First Non-Final Office Action mailed December 23, 2004, the Examiner 1) rejected Claim 5 under 35 U.S.C. §112, second paragraph, and 2) rejected Claims 1-6 under 35 U.S.C. §102(b) as being anticipated by Leger, U.S. Patent 2,421,339.

In response, Applicant has cancelled Claims 1-6 and submits new Claims 7-21 in order to more precisely claim the subject matter regarded as the invention. These new claims are submitted for the purpose of more specifically claiming the invention and not for the purposes of traversing the prior art.

#### **Remarks**

New Claim 7 is patentably distinct from the Leger reference cited and relied upon by the Examiner. For example, the Leger reference fails to teach, either expressly or implicitly, the presently claimed elements of: a generally elliptically-shaped main handle body member; a thumb recess on one of the opposing lateral side surfaces and proximate the forward end of the main handle body member; at least two recesses on a second of the opposing lateral side surfaces which extend circumferentially from the second of the opposing lateral side surfaces to a lower surface of the main handle body member and proximate the forward end of the main handle body member, and a first projection distal the at least two recesses (Claim 7); a second projection extending circumferentially about a portion of the main handle body member and positioned intermediate a pair of the at least two recesses on the second of the opposing lateral side surfaces (Claim 8); a third projection extending circumferentially about a portion of the main handle body member and positioned intermediate a second pair of the at least two recesses on the second of the opposing lateral side surfaces (Claim 9); the thumb recess has a generally elliptical shape with the semi-major axis of the thumb recess being generally parallel to the longitudinal axis of the main handle body member (Claim 11); the at least two recesses each further

Appl. No. 10/754,021  
Amdt. Dated 8-Apr-05  
Reply to Office Action of 12/26/2004  
Attorney Docket No. : 6056-001  
Customer No. 29,335

comprise a generally U-shaped recess in the main handle body member, with raised projection extending generally circumferentially along at least a portion of the main handle body member and intermediate the at least to generally U-shaped recesses (Claim 13); wherein the first projection is longitudinally adjacent the second of the at least two generally U-shaped recesses (Claim 16); wherein the first projection has a height sufficient to separate a user's middle finger from the user's ring finger when the user grips the main handle body member (Claim 17); a generally elliptical shaped recess in a first of the opposing lateral surfaces proximate the forward end of the handle member, the generally elliptical shaped recess having its semi-major axis generally parallel to the longitudinal axis of the handle member; at least one generally U-shaped recess extending at least partially circumferentially about a second opposing lateral surface of the handle member; the generally elliptical shaped recess and the at least one generally U-shaped recess being positioned proximate the distal end of the handle member such that a user's thumb is engaged in the generally elliptical shaped recess and a user's forefinger is engaged in the at least one generally U-shaped recess in a gripping manner which exerts opposing gripping forces against the handle member (Claim 19); or a first projection extending at least partially circumferentially about a portion of the handle member and positioned proximate the at least one generally U-shaped recess thereby forming a finger abutment (Claim 20).

In contrast to the presently pending claims, the handle in the Leger reference does not include a thumb recess (Claim 7) or a generally elliptical shaped recess (Claim 19) positioned on a lateral side of the handle. Rather, in Leger, the user's thumb is positioned on an upper surface of the handle and abuts the guard 12 at rests within "depression 13 which extends rearwardly over a portion of the upper surface of the grip, which depression is adapted to receive the user's thumb as shown in Figure 4" (Col. 3, lines 5-9). As can readily be seen in Fig. 3 of the reference, the "depression 13" is not analogous to the recess presently claimed as it extends from the guard 12 along the upper surface 6 of the handle all the way to a rear butt end 15 of the handle.

Appl. No. 10/754,021  
Amdt. Dated 8-Apr-05  
Reply to Office Action of 12/26/2004  
Attorney Docket No. : 6056-001  
Customer No. 29,335

Additionally, the grooves 8 and 9 on the lower surface of the handle (See, Col. 3, lines 15-21), are not analogous to the elements “at least two recesses on a second of the opposing lateral side surfaces which extend circumferentially from the second of the opposing lateral side surfaces to a lower surface of the main handle body member and proximate the forward end of the main handle body member” in independent Claim 1 or to the element “at least one generally U-shaped recess extending at least partially circumferentially about a second opposing lateral surface of the handle member” in independent Claim 19 for purposes of a proper anticipation rejection under 35 U.S.C. §102. Quite simply, the grooves 8 and 9 of the Leger reference are positioned in the lower surface of the handle and do not extend at circumferentially about a portion of the handle as presently claimed.

Finally, the presently claimed projection is claimed as being “distal the at least two recesses” (Claim 7) or as “extending at least partially circumferentially about a lateral surface of the handle member and positioned proximate the at least one generally U-shaped recess thereby forming a finger abutment” (Claim 19). The “substantial projection” 11 of the Leger reference is formed between the forefinger groove 8 and the next groove 9 (See, Col. 2, line 57-Col. 3, line 2) so that the forefinger may hook the projection 11. This is distinct from the projection as claimed because of its positioning relative to the grooves or recesses. The pending claims clearly recite the projection as being in a different positional relationship relative to the claimed recesses, than that defined in the Leger reference.

Accordingly, for at least the reasons enunciated above, the Leger reference does not anticipate the presently pending claims for purposes of a proper rejection under 35 U.S.C. §102.

Applicant’s review of the prior art cited by the Examiner but not relied upon indicates that none of the references, like Leger, teaches, expressly or implicitly the claimed elements as arranged in the presently pending claims.

Appl. No. 10/754,021  
Amdt. Dated 8-Apr-05  
Reply to Office Action of 12/26/2004  
Attorney Docket No. : 6056-001  
Customer No. 29,335

***Summary***

Accordingly, Applicant submits that the pending claims are patentably distinct from and over the art cited and of record. Favorable reconsideration of the rejection of the pending claims is solicited.

This Amendment is being concurrently filed with an Amendment Transmittal Letter including a fee calculation sheet, any applicable Request for Extension, and fee calculations. The Director is authorized to deduct any additional expenses from Deposit Account No. 18-2000, of which the undersigned is an authorized signatory.

Should the Examiner find that there are any outstanding matters which are susceptible of resolution by telephone interview, the Examiner is invited to telephone the undersigned to discuss the same.

Respectfully submitted



David G. Rosenbaum  
Reg. No. 31,872

ROSENBAUM & ASSOCIATES, P.C.  
650 Dundee Road, Suite 380  
Northbrook, IL 60062  
Tel. 847-770-6000  
Fax. 847-770-6010  
E-mail: drosenbaum@biopatentlaw.com